



U.S. Department of Justice

United States Attorney
Southern District of New York

26 Federal Plaza, 37th Floor
New York, New York 10278

December 10, 2024

BY ECF

The Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Sean Combs*, 24 Cr. 542 (AS)

Dear Judge Subramanian:

The Government's Filter Team, which the two undersigned Assistant U.S. Attorneys recently joined, writes to provide an update to the Court regarding the Government's forthcoming response to the defendant's pending motion to pending motion for a hearing, suppression, and other relief (the "Motion"). (Dkt. No. 97, 98).

The undersigned AUSAs joined the Filter Team to address the issue, raised in the Motion, of whether the defendant has met his burden of showing that the notes photographed by Investigator-1 at the MDC (the "Notes")—which the Filter Team has continued access to per the Court's Order of November 20, 2024 (Dkt. No. 76)—are in fact protected by attorney-client privilege or the work-product doctrine. (See Dkt. No. 98 at 8-12). In order to address this issue, the Government asked the defendant to produce directly to the Filter Team unredacted copies of materials the defendant had filed *ex parte* with the Court containing facts or analysis relevant to the defendant's privilege claims (the "*Ex Parte* Filings"), including the Motion itself and declarations of Teny Geragos, Esq., filed *ex parte* at Dkt. Nos. 75 (Appendix A) and 81 (together, the "Geragos Declarations").

In response to the Government's request, the defense produced partially unredacted copies of Geragos Declarations to both the Filter Team and the Case Team. See Ex. A. The Filter Team understands from its conversations with the defense that the defense refuses to provide fully unredacted copies of the *Ex Parte* Filings to the Filter Team because, *inter alia*, doing so would reveal additional attorney-client communications and/or work product beyond what is reflected in the Notes. The extensive redactions in the copies of the Geragos Declarations the Government has received, however, make it impossible to fully understand the basis for the defendant's claims of privilege as to each of the challenged portions of the Notes and thus to evaluate and adequately respond to the defendant's claims.

Enclosures